



**RODEO SANITARY DISTRICT  
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS  
DISTRICT OFFICE, 800 SAN PABLO AVE, RODEO, CA**

A Regular Meeting of the Governing Board was held at 1:00 p.m. on the 13th day of October 2020. In accordance with the Governor's Executive Order N-29-20, which suspended certain requirements of the Brown Act due to the ongoing COVID-19 pandemic, Board Members and some staff participated in this meeting via video conference. Members of the public were provided options to participate in the meeting as provided on the agenda.

**1) ROLL CALL**

Vice President Callaghan called the meeting to order at 1:03 P.M.

**The following members were present by video-conference:**

Directors Angela Noble, Richard Frakes (left mtg @ 1:30 p.m.), Maureen Brennan, Vice President Janet Callaghan  
Staff-District Legal Counsel Carl Nelson and Morgan Biggerstaff

**Directors and Staff Present (in person):**

Staff- District Manager Steve Beall, District Administrator Nancy Lefebvre

**Absent-** President Connie Batchelder

**Others Present-** None

**a) PLEDGE OF ALLEGIANCE TO THE FLAG-**District Manager Steve Beall led the pledge of allegiance.

**2) PUBLIC COMMENTS-Communication from the public on subjects not on the agenda-**

No public comment was received.

**3) CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER-**

Item 8A & 6 were taken out of order at this time in the meeting.

**8A) AWARD OF CONSTRUCTION CONTRACT FOR 2020 PRIORITY IMPROVEMENTS (DISCUSSION AND ACTION)**

Plans, specifications and a cost estimate for the 2020 Priority Improvements were completed and issued for bidding on September 18, 2020. The District advertised this project through a formal bidding process including advertising in the local newspaper and posting to local bid boards. No pre-bid meeting

was held. The bid opening was held on October 6, 2020. Four bids were received on the project and are listed in the table following.

<b>Bidder</b>	<b>Bid Amount</b>
APB General Engineering	\$118,987
Glosage Engineering	\$134,277
Kerex Engineering	\$146,950
W.R. Forde Associates, Inc	\$208,825

The Engineer's estimate of probable construction cost was \$154,000.

The low bidder was APB General Engineering. The low bid was 23 percent lower than the Engineer's estimate. A copy of the bid is attached.

Staff reviewed the low bid and found no numerical discrepancies. The results from the review of the three articles included in Section 00420 Certification of Bidders Experience and Qualifications are provided below.

The low bidder met all requirements in Article 1 - Essential Requirements for Qualification.

The low bidder did not include a complete set of project experience requested in Article 2 - Project Experience. The requested project experience list was to include three projects of at least \$250,000 in contract amount involving sewer construction of 500 linear feet of sewer line and structures. Only two of the three projects included met the experience requirement. Staff contacted the two references (Alto Sanitary District and Oro Loma Sanitary District) and confirmed that both projects met the experience requirements.

Article 2 states "Failure to provide this information with the Bid may render the Bid non-responsive and may be the basis for rejection of the bids". In a separate specification section 00100 Instructions to Bidders, Article 4 – Bid Irregularities, states that "...Bids which contain omissions, erasures, or irregularities of any kind may be rejected."

The Article 3 Safety Qualification Criteria requires the maximum Workers' Compensation Experience Modification (EMR) for the low bidder must not be greater than 1.1 (110%). EMR values were not listed on the summary table. The low bidder does not have an EMR due to the amount of time in business and the low claims amount experienced. Letters from the insurer describing the reasons for the inability to qualify for an EMR rating for the past three years were included with the bid. Staff contacted the insurance company and confirmed that the low bidder has had no losses or claims over the past three years.

Based on the size of the current project and past work for the Rodeo Sanitary District by APB General Engineering, staff believes that APB General Engineering has sufficient

experience to perform the work included in the 2020 Priority Improvements construction project.

Motion by Noble, seconded by Frakes to authorize the District Manager to issue a Notice of Award within 60 days after bid opening and to execute a contract with APB General Engineering in the amount of \$118,987, waiving the minor irregularity in the Bid.

VOTE:       AYES:        Callaghan, Brennan, Noble, Frakes  
              NOES:         None  
              ABSENT:     Batchelder  
              ABSTAIN:   None

**6)        EMERGENCY SITUATIONS REQUIRING BOARD ACTION:**

Resolution 2020-03 requires Board action to continue the emergency provisions contained in the resolution.

In light of the continuing existence of the COVID-19 pandemic, and Executive Order N-33-20 and the Contra Costa Health Officer Orders, and the need for the District Manager to remain authorized to take all actions necessary for the District to continuously provide essential services to the Rodeo community, and to take all reasonable steps to recover such costs from any and all available sources, and to make determinations, in response to Executive Order N-33-20 and the Contra Costa Health Officer Orders, regarding which District facilities comprise Essential Infrastructure, which District services are Essential Governmental Functions, which District employees and contractors comprise the Essential Workforce and are needed to continue providing Essential Governmental Functions, and to confirm:

- That the District wastewater treatment facility (“WWTP”) located at 800 San Pablo Avenue, Rodeo, and its other facilities used to provide continuous and uninterrupted collection, conveyance, and treatment of wastewater, are crucial infrastructure within the meaning of the Executive Order and Essential Infrastructure under the Health Officer Orders;
- That the continuous and uninterrupted collection, conveyance, and treatment of wastewater by the District is an Essential Governmental Function;
- That specified District employees and contractors comprise the Essential Workforce and are needed to continue providing Essential Governmental Functions,

MOTION: By Noble, seconded by Brennan, that Resolution 2020-03 Declaring Emergency and Delegating Authority in Response To COVID-19 pandemic remain in place. Motion passed by the following vote of the Board:

VOTE:   AYES:4       NOES: 0       ABSENT: 1   ABSTAIN: 0

#### 4) **REPORTS**

a) District Manager:

##### **Cathodic Protection System and Outfall**

District Staff submitted the findings of the dive inspections of the Outfall to the Regional Water Quality Control Board on September 14, 2020. The District requested that the Regional Board allow the one block port to remain undisturbed and accept the conclusions of the Dilution Study that the Outfall achieves the necessary dilution with one block port. The Regional Board responded the following day accepting our conclusions. This concludes and finalizes one long lingering element of the Districts NPDES permit.

##### **Qualitative Report of Plant Operations**

District Staff developed a procedure to flush out rags stuck in the thickened sludge and primary sludge lines. The rags were causing pumps to plug and trigger alarms. Staff were able to flush out the rags discharging them into the drying bed's.

District staff spent over twenty hours removing hundreds of gallons of rags from the digester overflow box, headworks, and secondary clarifiers. District Staff are now required to spend approximately two hours per day "fishing" rags out of the Primary Clarifier Scum Trough and the Clarifier Weirs.

**Collection System Operation and Maintenance:** The District had no sewer calls for the month of September.

- a. Counsel for the District: None
- b) Secretary of the District: None
- c) Board Members:

##### **Budget and Finance Committee**

October 12, 2020-C. R. Frakes (stipend), M. Brennan (stipend)

**Administrative Committee-** October 5, 2020-J. Callaghan(stipend), A. Noble (stipend)

#### 5) **CONSENT CALENDAR-**

Staff Recommendation (Motion required): Adopt the consent calendar as recommended.

1. Expenditures September 2020 were reviewed by the Budget Committee.
2. September 2020 Financial Statements reviewed by the Budget Committee.

3. Adopt Minutes of September 8, 2020 Regular Board Meeting. Reviewed by Administrative Committee.

MOTION: By Noble, seconded by Brennan to approve the Consent Calendar. Motion passed by the following vote of the Board:

VOTE:   AYES:           Callaghan, Noble, Brennan  
          NOES:           None  
          ABSTAIN:       None  
          ABSENT:       Batchelder, Frakes

- 6) Item 6 was taken out of order earlier in the meeting (see above).

- 7)       **OLD BUSINESS:**

- A)   **BAR SCREEN PROJECT UPDATE (DISCUSSION AND ACTION)**

The District continues to receive submittals for the Bar Screen Project The District Manager is distributing the submittals to the appropriate parties (Carollo Engineers, McMillan Jacobs Associates, District Staff).

During this period, the contractor placed the concrete for the channel that ties the Bar Screen Structure to the Headworks Structure. Much of the concrete rehabilitation for the Headworks Structure was also completed. The remaining elements are the thickening of an interior wall, and concrete preparation to receive the new stop plates. The District has been using the temporary bypass piping to reroute flow around the headworks into the Primary Clarifier. It is anticipated the bypass will end about the third week of October 2020. Minor miscellaneous activities for the project have also been completed.

- B)   **CONOCO PHILLIPS REFINERY PROJECT (DISCUSSION AND ACTION)**

At the request of the Board of Directors, a continuing discussion item will remain in the Board Packet until further notice. The discussion will revolve around the Conoco Phillips Refinery Project and risk to the District. No new information was discussed.

- 8)       **NEW BUSINESS:**

- A) Item 8A was taken out of order earlier in the meeting (see above).

- 9A)   **PUBLIC HEARING-** None

10) **COMMUNICATION**

Relevant Communications to and from the District are included in the Board Packet.

11) **CLOSED SESSION-**

1. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION-  
(Pursuant to Govt. Code § 54956.9 (d) (2) because of significant exposure to litigation): (1 case)
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Pursuant to Govt. Code § 54957 (b) (1)  
Title: District Manager

The Board entered into the closed session via a breakout room at 1:51 p.m. and returned to open session at 2:09 p.m.

12) **REPORT OUT OF CLOSED SESSION**-Nothing to report.

13) **SUGGESTIONS FOR FUTURE AGENDA ITEMS-**

1. November 10, 2020 Solid Waste Delinquent Accounts Public Hearing.

14) **ADJOURNMENT**

Meeting adjourned at 2:10 p.m. The next meeting of the Rodeo Sanitary Board of Directors will be held on Tuesday November 10, 2020 at 1:00 P.M.at Rodeo Sanitary District.

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Richard Frakes, Secretary  
Rodeo Sanitary District

Countersigned:

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Nancy Lefebvre, District Administrator  
Rodeo Sanitary District